

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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UNITED STATES OF AMERICA

-against-

JOE FERNANDEZ,

Defendant.

**ORDER DENYING RENEWED
MOTION TO VACATE JURY
VERDICT**

10 Cr. 863 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendant Joe Fernandez was found guilty by a jury on March 7, 2013. On April 18, 2014, the Court denied his *pro se* motion to vacate the jury verdict. In the order denying his motion, the Court rejected Fernandez's argument that the government had suppressed material that it was obligated to provide to him under *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972). On April 28, 2014, Fernandez's standby counsel, Robert W. Ray, wrote to the Court indicating that Ray had, on Fernandez's behalf made a targeted request to the Government for possible *Brady* material in five specific areas, and that he was awaiting the government's response.¹ The Court deemed Ray's April 28, 2014 letter a renewal of Fernandez's motion to vacate and directed the government to file a response to the letter.

The government filed a response dated May 8, 2014, which establishes that the government has reviewed its files and confirmed that it has produced all *Brady* material. I am satisfied by the response. Accordingly, Fernandez's renewed motion is denied.

SO ORDERED.

Dated: May 21, 2014
New York, New York

ALVIN K. HELLERSTEIN
United States District Judge

¹ As of May 6, 2014, Ray has become Fernandez's primary counsel.